

Application No. 10/761,469
Amendment dated May 9, 2008
Reply to Office Action of March 27, 2008

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REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on March 27, 2008, and the references cited therewith.

Claims 2-9, 11-14, 22, 27, and 29-34 are amended, and no claims are canceled or added; as a result, claims 1-34 are now pending in this application.

Specification

The specification was objected to under 37 CFR 1.75(d)(1) and MPEP § 608.01(o) as lacking antecedent basis for the claimed "computer readable medium" recited in claims 26 and 27. Applicant respectfully traverses the objection as follows.

Applicant respectfully submits that proper antecedent basis for the claimed "computer readable medium" recited in claims 26 and 27 is provided in the specification, as originally filed. Although the specification does not recite the term "computer readable medium," there is no requirement that the words in a claim must match those used in the specification. See MPEP 2173.05(e). Rather, the meaning of a claim term should be apparent from the specification. See MPEP 608.01(o).

Applicant respectfully submits that the meaning of the claimed "computer readable medium" recited in claims 26 and 27 is apparent from the specification, as originally filed. For example, page 11, lines 18-26, of the specification recites:

Figures 2-3 illustrate various method embodiments for device status identification. As one of ordinary skill in the art will understand, the embodiments can be performed by software, application modules, and computer executable instructions operable on the systems and devices shown herein or otherwise. The invention, however, is not limited to any particular operating environment or to software written in a particular programming language. Software, application modules and/or computer executable instructions, suitable for carrying out embodiments of the present invention, can be resident in one or more devices or locations or in several and even many locations.

As one of ordinary skill in the art would understand from this portion of the specification, software, application methods, and/or computer executable

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instructions can be stored on a computer readable medium. That is, one of ordinary skill in the art would understand from this portion of the specification that a computer readable medium can mean a medium that can store, for example, software, application modules, and/or computer executable instructions.

As such, Applicant respectfully submits that proper antecedent basis for the claimed "computer readable medium" recited in claims 26 and 27 is provided in the specification, as originally filed. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to the specification.

Claim Objections

Claims 11-14 were objected to because of the following informalities: The claims are depending from themselves. Applicant respectfully traverses the objection as follows.

Applicant has amended claims 11-13 to depend from independent claim 10, and has amended claim 14 to depend from dependent claim 13. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to claims 11-14.

§ 112 Rejection of the Claims

Claims 2-9, 11-14, 22, 27 and 29-34 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses the rejection as follows.

The Office Action mailed on March 27, 2008 stated that there is insufficient antecedent basis for the limitation "the station" recited in line 1 of claims 2-9, 11-14, and 29-34. Applicant has amended claims 2-9, 11-14, and 29-34 to clarify the station being the network management station, with appropriate antecedent basis. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 112 rejection of claims 2-9, 11-14, and 29-34.

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The Office Action also stated that there is insufficient antecedent basis for the limitations "the return error message" and "the SNMP request" recited in line 3 of claim 22. Applicant has amended claim 22 to clarify the error message being the returned SNMP error message, with appropriate antecedent basis. Applicant has also amended claim 22 to recite the limitation "the transmitted SNMP message." Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 112 rejection of claim 22.

The Office Action also stated that there is insufficient antecedent basis for the limitation "the medium" recited in line 1 of claim 27. Applicant has amended claim 27 to clarify the medium being the computer readable medium, with appropriate antecedent basis. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 112 rejection of claim 27.

§103 Rejection of the Claims

Claims 1-5, 8, 9, 15-18 and 26 were rejected under 35 USC § 103(a) as being unpatentable over Ellis (U.S. Patent No. 5,719,882) in view of Maso et al. (U.S. Pub. No. 2003/0061265). Applicant respectfully traverses the rejection as follows.

With regard to independent claims 1, 15, and 26, Applicant respectfully submits that the Ellis and Maso references, either alone or in combination, do not describe, teach, or suggest each and every element and limitation recited in independent claims 1, 15, and 26. Pages 4, 5-6, and 7 of the Office Action mailed on March 27, 2008, state, with regard to independent claims 1, 15, and 26, respectively, that the Ellis reference "fails to teach opening a socket connection on the device in response to an SNMP error message returned from the device." However, the Office Action goes on to state that the Maso reference "teaches if a device replies with a message and is not registered then a socket connection is opened (paragraph 137)."

Paragraph 0137 of the Maso reference states:

If the Instrument is pre-registered (including known OS instruments, and other industry-standard interfaces such as SNMP and NT-Perfmon), the Standard Instrument Adapter is invoked, and

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registered to the appropriate data in step S241. If it is not pre-registered, a continuous TCP socket connection (see U.S. Pat. No. 09/596,763) to the Instrument Data Server (IDS) is established per configuration in step S242. In step S243 the Engine signs into the IDS and registers for the Instrument in question. Then in step S244 it assigns the callback method to be invoked when new Instrument data is received (during runtime, this mechanism is what triggers the Instrument evaluation described in FIG. 7).

By so stating, the Maso reference appears to describe that if an instrument is not pre-registered, a continuous socket connection to the instrument data server (IDS) is established, and the engine signs into the IDS and registers for the instrument. That is, the reference appears to describe that a socket connection to the IDS is established in response to the instrument not being pre-registered. However, the reference does not appear to describe that a socket connection to the IDS is established in response to an SNMP error message returned from the instrument.

In contrast, independent claims 1, 15, and 26, each recite, "open[ing] a socket connection on the device in response to an SNMP error message returned from the device[.]"

As such, Applicant respectfully submits that each and every element and limitation of independent claims 1, 15, and 26, is not described, taught, or suggested in the Ellis and Maso references, either independently or in combination. Accordingly, Application respectfully requests reconsideration and withdrawal of the 103 rejection of independent claims 1, 15, and 26, as well as those claims that depend therefrom.

Claims 10-14, 23-25 and 28-34 were rejected under 35 USC § 103(a) as being unpatentable over Ellis (U.S. Patent No. 5,719,882) in view of Maso et al. (U.S. Pub. No. 2003/0061265) in view of Grieve et al. (U.S. Pub. No. 2003/0149756). Applicant respectfully traverses the rejection as follows.

With regard to independent claims 10 and 23, Applicant respectfully submits that the Ellis, Maso, and Grieve references, either alone or in combination, do not describe, teach, or suggest each and every element and limitation recited in

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independent claims 10 and 23. Pages 8 and 10 of the Office Action mailed on March 27, 2008, state, with regard to independent claims 10 and 23, respectively, that the Ellis reference:

fails to teach registering a return error message to the SNMP request from device; [and] execute a Java based function call to open a socket connection on the device in response to the return error message[.]

However, the Office Action goes on to state that the Maso reference "teaches if a device replies with a message and is not registered then a socket connection is opened with a Java function (paragraph 119 and 137)."

As previously discussed with regard to independent claims 1, 15, and 26, the Maso reference appears to describe that if an instrument is not pre-registered, a continuous socket connection to the instrument data server (IDS) is established, and the engine signs into the IDS and registers for the instrument. That is, the reference appears to describe that a socket connection to the IDS is established in response to the instrument not being pre-registered. However, the reference does not appear to describe that a socket connection to the IDS is established in response to a return error message from the instrument.

In contrast, independent claim 10 recites program instructions provided to the memory and executable by the processor to:

register a return error message to the SNMP request from device; [and]
execute a Java based function call to open a socket connection on the device in response to the return error message[.]

Additionally, independent claim 23 recites:

registering a return error message from the device in response to the SNMP request; [and]
executing a Java based function call to open a socket connection on the device in response to the return error message[.]

Additionally, from Applicant's review of the Grieve reference, the Grieve reference does not cure the deficiencies of the Ellis and Maso references. That is, the Ellis, Maso, and Grieve references, alone or in combination, do not describe,

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teach, or suggest program instructions provided to the memory and executable by the processor to:

register a return error message to the SNMP request from device; [and]
execute a Java based function call to open a socket connection on the device in response to the return error message

as recited in independent claim 10, nor do the Ellis, Maso, and Grieve references, alone or in combination, describe, teach, or suggest:

registering a return error message from the device in response to the SNMP request; [and]
executing a Java based function call to open a socket connection on the device in response to the return error message

as recited in independent claim 23.

As such, Applicant respectfully submits that each and every element and limitation of independent claims 10 and 23 is not described, taught, or suggested in the Ellis, Maso, and Grieve references, either independently or in combination. Accordingly, Application respectfully requests reconsideration and withdrawal of the 103 rejection of independent claims 10 and 23, as well as those claims that depend therefrom.

With regard to independent claim 28, Applicant respectfully submits that the Ellis, Maso, and Grieve references, either alone or in combination, do not describe, teach, or suggest each and every element and limitation recited in independent claim 28. Page 12 of the Office Action mailed on March 27, 2008, states, with regard to independent claim 28, that the Ellis reference "fails to teach determining the status of a device in a platform independent manner." However, the Office Action goes on to state that the Maso reference "teaches if a device replies with a message and is not registered then a socket connection is opened with a Java function (paragraph 119 and 137)."

As previously discussed with regard to independent claims 1, 15, and 26, the Maso reference appears to describe that if an instrument is not pre-registered, a continuous socket connection to the instrument data server (IDS) is established, and the engine signs into the IDS and registers for the instrument. The Maso reference

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also appears to describe that if the instrument is pre-registered, the standard instrument adapter is invoked and registered to the appropriate data. That is, the reference appears to describe different steps that are performed in response to whether the instrument is pre-registered, e.g., in response to the status of the instrument. However, the reference does not appear to describe means for determining a status of the instrument.

In contrast, independent claim 28 recites, “means for determining a status of a device connected to the management station over a network in a platform independent manner.”

Additionally, from Applicant’s review of the Grieve reference, the Grieve reference does not cure the deficiencies of the Ellis and Maso references. That is, the Ellis, Maso, and Grieve references, alone or in combination, do not describe, teach, or suggest, “means for determining a status of a device connected to the management station over a network in a platform independent manner[.]” as recited in independent claim 28.

As such, Applicant respectfully submits that each and every element and limitation of independent claim 28 is not described, taught, or suggested in the Ellis, Maso, and Grieve references, either independently or in combination. Accordingly, Application respectfully requests reconsideration and withdrawal of the 103 rejection of independent claim 28, as well as those claims that depend therefrom.

Claims 6, 7, 19, 21, 22 and 27 were rejected under 35 USC § 103(a) as being unpatentable over Ellis (U.S. Patent No. 5,719,882) in view of Maso et al. (U.S. Pub. No. 2003/0061265) as applied to claims 1, 15 and 26 above, and further in view of Grieve et al. (U.S. Pub. No. 2003/0149756). Applicant respectfully traverses the rejection as follows.

Claims 6 and 7 depend from independent claim 1, claims 19, 21, and 22 depend from independent claim 15, and claim 27 depends from independent claim 26. For the reasons stated above, Applicant respectfully submits that independent claims 1, 15, and 26 are in condition for allowance. From Applicant’s review of the

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Grieve reference, the Grieve reference does not cure the deficiencies of the Ellis and Maso references. That is, the Ellis, Maso, and Grieve references, alone or in combination, do not describe, teach, or suggest, "open[ing] a socket connection on the device in response to an SNMP error message returned from the device[.]" as recited in independent claims 1, 15, and 26. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of dependent claims 6, 7, 19, 21, 22, and 27.

Claim 20 was rejected under 35 USC § 103(a) as being unpatentable over Ellis (U.S. Patent No. 5,719,882) in view of Maso et al. (U.S. Pub. No. 2003/0061265) in view of Grieve et al. (U.S. Pub. No. 2003/0149756) as applied to claim 19 above and further in view of Richardson (U.S. Patent No. 6,054,987). Applicant respectfully traverses the rejection as follows.

Claim 20 depends from independent claim 15. For the reasons stated above, Applicant respectfully submits that independent claim 15 is in condition for allowance. From Applicant's review of the Grieve and Richardson references, the Grieve and Richardson references do not cure the deficiencies of the Ellis and Maso references. That is, the Ellis, Maso, Grieve, and Richardson references, alone or in combination, do not describe, teach, or suggest, "opening a socket connection on the device in response to an SNMP error message returned from the device[.]" as recited in independent claim 15. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of dependent claim 20.

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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney Edward J. Brooks III at (612) 236-0120 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being transmitted to the United States Patent and Trademark Office facsimile number (571) 273-8300 on this 9 day of May, 2008.

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